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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

New Delhi, the 6th January, 1996/Pausa 16, 1917 (Saka)

The following President's Act is published for general information:---

THE UTTAR PRADESH STATE UNIVERSITIES (AMENDMENT) ACT, 1996

No. 4 OF 1996

Enacted by the President in the Forty-sixth Year of the Republic of India.

An Act further to amend the Uttar Pradesh State Universities Act, 1973.

2 of 1996. In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995, the President is pleased to enact as follows:—

1. (1) This Act may be called the Uttar Pradesh Universities (Amendment) Act, 1996.

(2) The provisions of clauses (a), (b) and (d) of section 2 and section 3, section 6, clause (a) of section 7, sections 8, 9, 10, clause (a) of section 11 and clause (b) of section 12 shall be deemed to have come into force on July 11, 1995, the provisions of clause (c) of section 4 shall be deemed to have come into force on August 25, 1995, the provisions of clause (c) of section 2, clauses (a) and (b) of section 4, section 5, clause (b) of section, 7

Short title and
commence-
ment.

clause (b) of section 11, and clause (a) of section 12 shall be deemed to have come into force on September 23, 1995 and the remaining provisions shall come into force at once.

Amendment of section 2 of the President's Act No. 10 of 1973 as amended and reenacted by U.P. Act No. 29 of 1974.

2. In section 2 of the Uttar Pradesh State Universities Act, 19' (hereinafter referred to as the principal Act),—

(a) after clause (5A), the following clause shall be inserted, namely:—

'(5B) "Central Board of Studies" means the Central Board of Studies referred to in section 18-B;';

(b) after clause (6), the following clause shall be inserted, namely:—

'(6A) "Co-ordination Council" means the Co-ordination Council constituted under section 18A;';

(c) in clause (8), after the word "Agra", the words "which shall from September 24, 1995 be called Doctor Bhimrao Ambedkar University, Agra" and after the word "Kanpur" the words "which shall from September 24, 1995 be called Shri Shahu Ji Maharaj University, Kanpur" shall be inserted;

(d) after clause (9), the following clause shall be inserted, namely:—

'(9A) "foundation course" means a course of greater awareness of oneself and of the social, cultural and natural environment.'

Amendment of section 4.

3. In section 4 of the principal Act,—

(a) in sub-section (1A), in clause (b), for the words and figures "which shall with effect from June 18, 1994 be called the Doctor Ram Manohar Lohia University, Faizabad," the following words and figures shall be substituted, namely:—

"which shall be called the Doctor Ram Manohar Lohia University, Faizabad with effect from June 18, 1994, and the Doctor Ram Manohar Lohia Avadh University, Faizabad with effect from July 11, 1995;";

(b) in sub-section (2), after the words "this Act", the words "which shall be called Mahatma Gandhi Kashi Vidyapith, Varanasi with effect from July 11, 1995" shall be inserted.

Amendment of section 5.

4. In section 5 of the principal Act,—

(a) in sub-section (4) for the words "Kanpur University", the words "Shri Shahu Ji Maharaj University, Kanpur" shall be substituted;

(b) in sub-section (5) for the words "University of Agra or the Kanpur University", the words "Doctor Bhimrao Ambedkar University, Agra or Shri Shahu Ji Maharaj University, Kanpur" shall be substituted;

(c) after sub-section (5), the following sub-section shall be inserted, namely:—

"(6) Notwithstanding anything contained in sub-section (1) or sub-section (1) of section 37, the institutions established or proposed to be established for imparting education or instruction in Western-Medical Science as defined in the Indian Medical Degrees Act, 1916, engineering technology or management anywhere in Uttar Pradesh may, subject to such directions as may be issued by the State Government in this behalf, be affiliated to any University."

Amendment of section 7-A.

5. In section 7-A of the principal Act, for the words "the University of Agra or the Kanpur University," the words "Doctor Bhimrao Ambedkar University, Agra or Shri Shahu Ji Maharaj University, Kanpur," shall be substituted.

6. In the principal Act, after Chapter IV, the following Chapter shall be inserted, namely:—

Insertion of a
new Chapter
IV-A

"CHAPTER IV A"

CO-ORDINATION COUNCIL AND CENTRAL BOARD OF STUDIES

18 A. (1) There shall be a Co-ordination Council which shall consist of the Chancellor as its Chairman, and the following other members, namely:—

Co-ordination
Council.

- (i) the Vice-Chancellors of the Universities;
- (ii) the Chairman of the Uttar Pradesh State Council of Higher Education;
- (iii) the Secretary to the State Government in the Judicial Department;
- (iv) the Secretary to the State Government in the Finance Department;
- (v) the Secretary to the Governor;
- (vi) the Secretary to the State Government in the Higher Education Department who shall be *ex officio* of the Co-ordination Council.

(2) Subject to the recommendations of, or guidelines issued by, the University Grants Commission, the powers and functions of the Co-ordination Council shall be as follows, namely:—

- (a) to recommend common courses of study for a Bachelor's Degree;
- (b) to recommend in respect of the constitution of a Central Board of Studies for the foundation course or for each subject or group of subjects;
- (c) to recommend ways and means of co-operation in academic programmes amongst the Universities;
- (d) to consider and recommend matters of common interest to the Universities.

(3) The Co-ordination Council shall meet at Lucknow or at such other place and at such intervals as the Chancellor may determine.

18.B (1) There shall be Central Board of Studies for the foundation course or such other subjects or group of subjects as the Chancellor may, on the recommendation of the Co-ordination Council, by order, direct.

Central Board
of Studies.

(2) The Central Board of Studies for the foundation course shall consist of—

- (i) one teacher from each University not below the rank of a Reader or a Principal of an affiliated or associated college, nominated by the Vice-Chancellor; and
- (ii) five educationists who are on the Eminent Professors' lists of the University Grants Commission nominated by the Chancellor on the recommendation of the Co-ordination Council.

(3) The Central Board of Studies for other subjects or group of subjects shall consist of—

- (i) the Convenor, Board of Studies of each University in respect of the subject or group of subjects for which the Central Board of Studies is to be constituted;

Provided that if a University does not have a Board of Studies in the subject or group of subjects, the Vice-Chancellor may nominate any teacher not below the rank of a Reader in the University or a Principal of an affiliated or associated college;

(ii) one Head of the Department in an affiliated or associated college nominated by the Chancellor, teaching the subject up to the post graduate level;

(iii) one Head of Department in an affiliated or associated college nominated by the Chancellor, teaching the subject up to the degree level;

(iv) three experts on the subject who are on the Eminent Professor's list of the University Grants Commission, nominated by the Chancellor on the recommendation of the Coordination Council; and

(v) two other experts on the subject from outside the State nominated by the Chancellor.

(4) The Chancellor shall nominate the Chairman of the Central Board of Studies,—

(i) for foundation course from amongst the members referred to in clause (i) of sub-section (2), and

(ii) for other subject or group of subjects, from amongst the members referred to in clauses (i) and (ii) of sub-section (3).

(5) The constitution of the Central Board of Studies and the nomination of the Chairman and the members thereon, other than *ex officio* members, shall be notified by the State Government.

(6) The term of the Central Board of Studies shall be three years from the date of notification referred to in sub-section (5) and the term of the Chairman and the members shall be co-terminous with it:

Provided that the term of office of a member nominated to fill a casual vacancy shall be for the remainder of his predecessor's term.

(7) Subject to the recommendations of, or guidelines issued by, the University Grants Commission, the functions of the Central Board of Studies shall be as follows, namely:—

(a) subject to the recommendations of the Co-ordination Council and the approval of the Chancellor, to prescribe the courses of study and examinations, and the academic calendar, and to recommend text books and other books for under-graduate level;

(b) to consider and report on any matter referred to it by the Co-ordination Council, or the Chancellor; and

(c) to perform such other functions consistent with this Act within such time as the Chancellor may, by an order in writing, require it to perform.

(8) In carrying out its functions, the Central Board of Studies may consult such experts also who are not its members.

(9) The recommendations of the Central Board of Studies approved by the Chancellor shall come into force in respect of all Universities in the State with effect from the date as may be specified by the Chancellor.

(10) The Chancellor may at any time suspend, modify or amend any decision of the Central Board of Studies on the ground that it does not fulfil the objectives set out in this section and may direct such Board to consider the matter afresh.

18C. The Uttar Pradesh State Council of Higher Education constituted under the Uttar Pradesh State Council of Higher Education Act, 1995, shall provide secretarial assistance to the Co-ordination Council and the Central Boards of Studies."

Secretarial
assistance

Amendment of
section 20

7. In section 20 of the principal Act,—

(a) in sub-section (1), in clause (d), for the words "Universities of Agra, Gorakhpur, Meerut, Kumaun and Garhwal", the words "Universities of Agra, Gorakhpur, Kumaun, Kanpur, Rohilkhand and Bundelkhand and the Hemvati Nandan

Bahuguna Garhwal University, the Chaudhary Charan Singh University, Meerut and the Doctor Ram Manohar Lohia Avadh University, Faizabad" shall be substituted.

(b) in sub-section (1), in clause (d), as so amended, for the words "Universities of Agra, Gorakhpur, Kumaun, Kanpur, Rohilkhand and Bundelkhand and the Hemvati Nandan Bahuguna Garhwal University, the Chaudhary Charan Singh University, Meerut and the Doctor Ram Manohar Lohia Avadh University, Faizabad", the words "Universities of Gorakhpur, Kumaun, Rohilkhand and Bundelkhand and the Doctor Bhimrao Ambedkar University, Agra, the Shahu Ji Maharaj University, Kanpur, the Hemvati Nandan Bahuguna Garhwal University, the Chaudhary Charan Singh University, Meerut and the Doctor Ram Manohar Lohia Avadh University, Faizabad" shall be substituted.

8. In section 26 of the principal Act,—

Amendment of
section 26.

(a) in sub-section (1), after clause (a), the following clauses shall be inserted, namely:—

"(aa) the Secretary to the State Government in the Higher Education Department;

(aaa) the Secretary to the State Government in the Finance Department;"

(b) after sub-section (1), as so amended, the following sub-section shall be inserted, namely:—

"(1A) A member referred to in clause (aa) or clause (aaa) of sub-section (1) may, instead of attending any meeting of the Finance Committee himself, depute an officer not below the rank of a Joint Secretary to the State Government and an officer so deputed shall also have the right to vote.";

(c) after sub-section (3), the following sub-section shall be inserted, namely:—

"(4) Unless a proposal having financial implication has been recommended by the Finance Committee, the Executive Council shall not take a decision thereon, and if the Executive Council disagrees with the recommendations of the Finance Committee, it shall refer the proposal back to the Finance Committee with reasons for the disagreement and if the Executive Council again disagrees with the recommendation of the Finance Committee the matter shall be referred to the Chancellor whose decision thereon shall be final."

9. In section 31A of the principal Act, for the words "a Lecturer or Reader in the University substantively appointed under section 31", the word "a Lecturer in the University appointed under section 31, or a Reader in the University appointed under section 31 or promoted under this section" shall be substituted.

Amendment of
section 31-A.

10. Section 72 D of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

Amendment of
section 72-D.

"(2) With effect from July 11, 1995 any reference to the University of Avadh, or to the Doctor Ram Manohar Lohia University, Faizabad, in this Act or any rules, Statutes, Ordinance, statutory instruments or any other law for the time being in force or in any document or proceedings shall be construed as a reference to the Doctor Ram Manohar Lohia Avadh University, Faizabad."

Insertion of
new sections
72-E and 72-F.

11. (a) After section 72 D of the principal Act, the following section shall be inserted, namely:—

Transitory
provision on
the name of
the Kashi
Vidyapith.

“72 E. With effect from July 11, 1995 any reference to the Kashi Vidyapith in this Act or any rules, statutes, Ordinance, statutory instruments or any other Law for the time being in force or in any document or proceedings shall be construed as a reference to the Mahatma Gandhi Kashi Vidyapith, Varanasi.”;

(b) after section 72 E as so inserted, the following section shall be inserted, namely:—

Transitory
provision on
the name of
the Universi-
ties of Agra
and Kanpur.

“72 F. With effect from September 24, 1995 any reference to the University of Agra and Kanpur University in this Act or any rules, Statutes, Ordinance, statutory instruments or any other law for the time being in force in any document or proceedings shall be construed as a reference to Doctor Bhimrao Ambedkar University, Agra and Shri Shahu Ji Maharaj University, Kanpur respectively.”.

Amendment of
the Schedule.

12. In the Schedule to the principal Act, in column 2,—

(a) against serial number 3, for the words “the University of Agra” the words “Doctor Bhimrao Ambedkar University, Agra” and against serial number 5, for the words “The University of Kanpur”, the words “Shri Shahu Ji Maharaj University, Kanpur” shall be substituted;

(b) against serial number 10, for the words “Doctor Ram Manohar Lohia University, Faizabad”, the words “Doctor Ram Manohar Lohia Avadh University, Faizabad” shall be substituted.

Repeal and
saving.

13. (1) The Uttar Pradesh State Universities (Second Amendment) (Second) Ordinance, 1995 and the Uttar Pradesh State Universities (Third Amendment) Ordinance, 1995 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the Ordinances referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of this Act.

U.P. Ordinance No. 33
of 1995 and
U.P. Ordinance No. 37
of 1995.

SHANKER DAYAL SHARMA,
President.

K.L. MOHANPURIA,
Secy. to the Government of India.

Reasons for the enactment

With a view to ensuring standards of higher education, the State Government decided to introduce the principle of "one curriculum-one examination" in the State Universities pertaining to general studies. With this aim in view a high level Committee, consisting of Vice-Chancellors of seven Universities and experts was constituted by the State Government. After the consideration of the recommendations of the said Committee, and for accomplishing the said object it was decided to amend the Uttar Pradesh State Universities Act, 1973 to provide for the constitution of a "Co-ordination Council" under the Chairmanship of the Chancellor, the functions of which should be to recommend, for the Universities of general studies, common course of study for the first degree course, to recommend ways and means of cooperation and co-ordination in respect of academic programmes amongst the Universities and to make recommendations after consideration on matters of common interest of the Universities, and also to provide for the constitution of a Central Board of Studies for foundation course and other subjects or group of subjects which shall be constituted by the Chancellor on the recommendation of the said Co-ordination Council. Besides this, it was also decided to do away with the condition restricting teacher substantively appointed to the post of Lecturer or Reader to avail of the facility of personal promotion to the post of Reader or Professor respectively only once in his whole service after rendering a definite length of service and to change the names of "Doctor Ram Manohar Lohia University, Faizabad" and "Kashi Vidyapith, Varanasi" as "Doctor Ram Manohar Lohia Avadh University, Faizabad" and "Mahatma Gandhi Kashi Vidyapith, Varanasi" respectively.

2. To implement the said decisions, the Uttar Pradesh State Universities (Second Amendment) Ordinance, 1995 (U.P. Ordinance No. 28 of 1995) was promulgated by the Governor on July 11, 1995.

3. Certain amendments in the provisions of the said Ordinance were under consideration of the State Government and, therefore, the replacing Bill thereof could not be introduced in the session of the Uttar Pradesh State Legislature commencing on July 14, 1995. Since the provisions of the said ordinance would have ceased to remain operative after August 25, 1995, it was decided to promulgate an Ordinance to keep the provisions of the said Ordinance in force with certain amendments such as to provide for the affiliation of the institutions established or proposed to be established for imparting education or instructions in Western Medical Science, engineering, technology or management any where in the Uttar Pradesh to any University subject to the directions issued in this behalf by the State Government, removal of the condition of the recommendation of the Co-ordination Council for the nomination of the Chairman of Central Board of Studies for foundation course and other Central Boards of Studies.

4. The Uttar Pradesh State Universities (Second Amendment) (Second) Ordinance, 1995 (U.P. Ordinance No. 33 of 1995) was, accordingly, promulgated by the Governor on August 25, 1995.

5. To perpetuate the memory of Bharat Ratna Dr. Bhimrao Ambedkar, an able son of the country, jurist and social reformer and Shri Shahu Ji Maharaj, a famous social worker, it was decided to change the names of the University of Agra and Kanpur University as "Doctor Bhimrao Ambedkar University, Agra" and "Shri Shahu Ji Maharaj University, Kanpur" respectively.

6. To implement the said decision, the Uttar Pradesh State Universities (Third Amendment) Ordinance, 1995. (U.P. Ordinance No. 37 of 1995) was promulgated by the Governor on September 23, 1995.

7. The President issued a proclamation on the 18th October, 1995 under article 356 of the Constitution, in relation to the State of Uttar Pradesh, declaring, *inter alia*, that the powers of legislature of the State shall be exercised by or under the authority of Parliament. Parliament has, under article 357 (1) (a) of the Constitution, now conferred on

the President, the powers of the Legislature of the State of Uttar Pradesh to make laws *vide* the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996).

8. The said Ordinances could not be replaced by an Act and the Ordinance is expiring on 7th January, 1996. It is, therefore, decided that the said Ordinance shall be replaced by a President's Act.

9. Under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1995 (2 of 1996) the President shall, before enacting any President's Act, consult a Committee constituted for the purpose consisting of the members of both the Houses of Parliament. As the said Committee has yet not been constituted and the matter is very urgent, it is proposed to enact the measure without reference to the said Committee.

P. R. DASGUPTA,
Secy. to the Government of India.